

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSE PEREZ, an individual,

Plaintiff,

v.

UNITED FINANCIAL CASUALTY COMPANY, a
foreign corporation doing business in Washington,

Defendant.

No. 2:21-cv-01135-MJP

**STIPULATED MOTION AND
ORDER TO REMAND**

COMES NOW PLAINTIFF AND DEFENDANT through their undersigned attorneys
and hereby stipulate as follows:

I. STIPULATION

On or about August 2, 2021, Plaintiff Jose Perez filed a complaint for damages and declaratory relief in the King County Superior Court, Cause No. 21-2-09879-3 SEA. On August 23, 2021, United Financial Casualty Company (UFCC) filed a notice of removal on the basis of diversity of jurisdiction and the amount in controversy exceeding the jurisdictional minimum of \$75,000.

On December 1, 2021, Plaintiff Jose Perez signed a stipulation waiving any entitlement to any and all amounts in excess of \$75,000 in this case. The stipulation also agrees to voluntarily

dismiss all extra contractual claims with prejudice. These include claims for Bad Faith, Negligence, violations of the Washington Consumer Protection Act, and violations of the Insurance Fair Conduct Act. Accordingly, the jurisdictional threshold for federal diversity jurisdiction under 28 U.S.C. § 1332 is not and will not be met. Accordingly, this matter should be remanded to state court, King County Superior Court Cause No. 21-2-09879-3, for proceedings consistent with this stipulation.

DATED this 1st day of December, 2021.

LEATHER LAW GROUP

MYERS & COMPANY, PLLC

/s/ Thomas Lether

/s/ Patrick Clifford

/s/ Eric J. Neal

Patrick Clifford

Thomas Lether, WSBA #18089

Michael David Myers

Eric J. Neal, WSBA #31863

Myers & Company, PLLC

1848 Westlake Ave N., Suite 100

1530 Eastlake Avenue East

Seattle, WA 98109

Seattle, WA 98102

P: (206) 467-5444/F: (206) 467-5544

T: (206) 398-1188

tlether@letherlaw.com

pclifford@myers-company.com

eneal@letherlaw.com

mmyers@myers-company.com

Counsel for Defendant

Counsel for Plaintiff

II. ORDER

Based on the foregoing Stipulation, it is hereby ORDERED, ADJUDGED AND DECREED that the amount in controversy does not exceed the jurisdictional minimum of \$75,000. It is further ORDERED, ADJUDGED AND DECREED that the above-captioned matter is remanded to King County Superior Court Cause No. 21-2-09879-3 for further proceedings.

DATED this 1st day of December, 2021.



Marsha J. Pechman
United States Senior District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies under the penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the parties mentioned below as indicated:

Patrick Clifford
Michael David Myers
Myers & Company, PLLC
1530 Eastlake Avenue East
Seattle, WA 98102
T: (206) 398-1188
pclifford@myers-company.com
mmyers@myers-company.com
Counsel for Plaintiff

By: ☐ **First Class Mail** ☒ **ECF/Email**

Dated this 1st day of December, 2021 at Seattle, Washington.

/s/ Judy Tustison
Judy Tustison | Paralegal